

No. 10-19-00196-CR

**IN THE
COURT OF APPEALS FOR THE
TENTH APPELLATE DISTRICT
SITTING AT WACO, TEXAS**

FILED IN
10th COURT OF APPEALS
WACO, TEXAS
12/20/2019 10:39:00 AM
NITA WHITENER
Clerk

IJAH IWASEY BALTIMORE,

APPELLANT

VS.

THE STATE OF TEXAS

AN APPEAL OF
CAUSE No. 2017-449-C2
FROM THE 54TH JUDICIAL DISTRICT COURT
MCLENNAN COUNTY, TEXAS

**STATE'S MOTION FOR EXTENSION OF TIME
TO FILE THE STATE'S BRIEF**

BARRY JOHNSON
Criminal District Attorney
McLennan County, Texas

STERLING HARMON
Appellate Chief
State Bar No. 09019700

219 North 6th Street, Suite 200
Waco, Texas 76701
[Tel.] (254) 757-5084
[Fax] (254) 757-5021
[Email]
sterling.harmon@co.mclennan.tx.us

TO THE HONORABLE COURT OF APPEALS

The State of Texas, moves for an extension of Thirty Days to file its Brief, pursuant to Tex. R. App. P. 10.5(b). The State's request is based upon the following reasonable explanation of the need for additional time, within the personal knowledge of Sterling Harmon, the attorney signing this motion, namely:

The State of Texas moves this court to allow an extension of thirty days to file its Brief. The State's Brief was due on December 14, 2019. **The State requests that the new deadline be January 13, 2020.** This is the State's first request for an extension in this matter.

On December 20, 2019, the State received a notice from the Clerk of this Court, advising that the State's brief was due on December 14, 2019, and requesting that the State file its brief within 7 days of the notice; that failure to file a brief within that time could result in submission of the case without a State's brief and a confession of error by the State. No mention was made in the notice of the possibility that the Court might entertain a motion to extend time for filing the State's brief.

Subsequent investigation of the matter revealed that the undersigned State's attorney simply mis-calendared this case, and the State's failure to earlier request an extension was due to this error. As of this writing, the State has done a cursory reading of Appellant's brief, and has not had the opportunity to review the record or research any applicable

points of law. State's counsel cannot reasonably prepare and submit a brief within the seven-day limit mentioned in the Clerk's notice.

Accordingly, the State requests that it be allowed an extension of thirty days to file its brief. The additional time requested is not sought frivolously or for delay, but will be of genuine assistance in preparing the State's brief.

For the foregoing reasons, the State prays that the Court grant this Motion and modify and extend the deadline for filing the State's brief to **January 13, 2020** or that this Court grant such additional time as is just and proper.

Respectfully Submitted:

BARRY JOHNSON

Criminal District Attorney
McLennan County, Texas

/s/ Sterling Harmon

STERLING HARMON

Appellate Chief

219 North 6th Street, Suite 200

Waco, Texas 76701

[Tel.] (254) 757-5084

[Fax] (254) 757-5021

[Email]

sterling.harmon@co.mclennan.tx.us

State Bar No. 09019700

CERTIFICATE OF SERVICE

I certify that I caused to be served a true and correct copy of this motion through the efile system to Appellant's attorney of record, Jessica S. Freud, at jessi@freudlaw.com.

DATE: 12/20/19

/s/ STERLING HARMON

STERLING HARMON